

BEFORE THE BOARD OF OSTEOPATHIC EXAMINERS
FOR THE STATE OF ARIZONA

IN THE MATTER OF:)	Case No.
)	
Les L. Barrickman, D.O.)	STIPULATION FOR FINDINGS
Holder of License No. 2676)	OF FACT, CONCLUSIONS OF
)	LAW AND CONSENT ORDER

By mutual agreement and understanding, the Arizona Board of Osteopathic Examiners in Medicine and Surgery ("Board") and Les L. Barrickman, D.O. ("Respondent") agree to the following disposition of this matter.

1. Respondent acknowledges that he has read this Stipulation and the attached Findings of Fact, Conclusions of Law and Consent Order; and, he is aware of and understands the content of this document.

2. Respondent understands that by entering into this Stipulation he voluntarily relinquishes any rights to a hearing or judicial review on the matters alleged in the Stipulated Findings of Fact and Conclusions of Law or to challenge the Board's Order.

3. Respondent acknowledges his understanding that this Stipulation and Consent Order will not become effective until approved by the Board and signed by its Executive Director.

4. Respondent further understands that this Stipulation and Consent Order, once approved and signed, shall constitute a public record which may be disseminated as a formal disciplinary action of the Board.

5. Any admissions made by Respondent are solely for the

stipulated disposition of this matter and are not intended as an admission against his interest or an admission of liability in any civil litigation.

6. Respondent is aware that any violation of said Consent Order constitutes unprofessional conduct pursuant to A.R.S. §32-1854(26) and may result in disciplinary action pursuant to A.R.S. §32-1855.

ACCEPTED this 7th day of May, 1994.

Les L. Barrickman, D.O.
Les L. Barrickman, D.O.

FINDINGS OF FACT

1. The Board of Osteopathic Examiners of the State of Arizona ("Board") is the duly constituted authority for the regulation and control of the practice of osteopathic medicine in the State of Arizona.

2. Les L. Barrickman, D.O., is the holder of License No. 2676 for the practice of medicine in the State of Arizona.

3. Les L. Barrickman, D.O., is the holder of License No. A997-94, issued by the New Mexico Board of Osteopathic Medical Examiners.

4. On February 12, 1994, Les L. Barrickman, D.O. entered into a Stipulation and Consent Order for Issuance of Probationary License with the Board of Osteopathic Medical Examiners of the State of New Mexico. This was based upon the following events which were brought before that Board for its consideration:

a. On January 15, 1993, Les L. Barrickman, D.O. entered a plea of guilty to a charge of possession of a Schedule IV controlled substance, in violation of Iowa Code Section 204.401(3).

b. On January 15, 1993, Les L. Barrickman, D.O. entered a plea of guilty to a charge of possession of a Schedule II controlled substance in violation of Iowa Code Sections 204.401(3) and 204.206(2)(d).

c. On June 3, 1993, Les L. Barrickman, D.O. entered into an Informal Settlement and Order No. 03-92-225 with the Iowa State Board of Medical Examiners, wherein said Agreement he admitted that a Complaint and Statement of Charges had been filed against him on April 29, 1993, wherein it was alleged that he had violated Iowa State statutes governing the possession of controlled substances, and that a hearing on the allegations was scheduled before the Board.

d. The agreement, No. 03-92-225, between Les L. Barrickman, D.O., and the Iowa State Board of Medical Examiners was entered as a means of resolving the complaint brought against the Respondent in lieu of a hearing before the Board.

e. As part of that agreement, Les L. Barrickman, D.O., was placed on probation for a period of four years by the Iowa State Board of Medical Examiners.

f. As part of that agreement, Les L. Barrickman, D.O. agreed to abide by the terms and conditions set forth in the Informal Settlement and Order, No. 03-92-225.

g. As part of that agreement, Les L. Barrickman, D.O.,

was allowed to continue to practice medicine and surgery in the state of Iowa, under the auspices of license number 01988 issued by the Iowa State Board of Medical Examiners.

5. The Stipulation and Consent Order for issuance of probationary license between Les L. Barrickman, D.O. and the Board of Osteopathic Medical Examiners of the State of New Mexico, including all terms and conditions hereof, is included as Addendum No. 1 to this document.

CONCLUSIONS OF LAW

1. The Board of Osteopathic Examiners of the State of Arizona possesses jurisdiction over the subject matter hereof and over Les L. Barrickman, D.O., pursuant to A.R.S. §32-1801, et seq.

2. The conduct described in paragraph 4 above constitutes unprofessional conduct in accordance with A.R.S. §32-1854.22: Use of controlled substances or prescription-only drugs unless provided by a medical practitioner, as defined in §32-1901, as part of a lawful course of treatment.

3. The conduct described in paragraph 4 and 5 above constitutes unprofessional conduct in accordance with A.R.S. §32-1854.38: Violating a federal law, a state law or a rule applicable to the practice of medicine.

4. The Board has authority to enter into an agreement for the stipulated disposition of this matter pursuant to A.R.S. §41-1061(D).

ORDER

Pursuant to the authority vested in the Board by A.R.S. §32-

1855.E.4 and §41-1061.D, IT IS HEREBY ORDERED THAT:

1. LES L. BARRICKMAN, D.O. (Respondent) shall comply with all terms and conditions of the Stipulation and Consent Order for Issuance of Probationary License between the Board of Osteopathic Medical Examiners of the State of New Mexico (Addendum No. 1) and Les L. Barrickman, D.O., and dated February 12, 1994.

2. Respondent shall meet with the Board upon reasonable notice to discuss his progress in complying with the terms and conditions of this Order.

3. Respondent shall authorize the Board of Osteopathic Medical Examiners of the State of New Mexico, to release to the Board, upon its written request, reports regarding Respondent's record of compliance with the terms and conditions contained therein.

4. Respondent shall bear any and all costs associated, or incurred in conjunction with compliance with this Order.

5. If Respondent fails to comply with all terms and conditions of this Order, including any of the terms contained in the Addendum No. 1, the Board may take disciplinary action against License No. 2676 issued to LES L. BARRICKMAN, D.O., provided, however, that Respondent shall be entitled to a hearing before the Board concerning only the issue of whether the terms of this Order have been violated.

6. In the event that Respondent chooses to establish residency and practice osteopathic medicine and surgery in the state of Arizona, the Board reserves the right to review

Respondent's compliance with this Order and with the terms of the Addendum No. 1, and amend this Order as it deems necessary which may include the imposition of a period of probation, to protect the public health and safety of the citizens of Arizona.

ENTERED and effective this 13th day of May, 1994.

ARIZONA BOARD OF OSTEOPATHIC
EXAMINERS IN MEDICINE AND SURGERY

By Robert J. Miller
Robert J. Miller, Ph.D.
Executive Director

Copy of the foregoing mailed,
certified mail, return receipt
requested, to:

Les L. Barrickman, D.O.

ADDENDUM NO. 1

BEFORE THE BOARD OF OSTOEPATHIC MEDICAL EXAMINIERS
OF THE STATE OF NEW MEXICO

IN THE MATTER OF

LES L. BARRICKMAN, D.O.

STIPULATION AND CONSENT ORDER
FOR ISSUANCE OF PROBATIONARY LICENSE

1. THIS MATTER came before the New Mexico Board of Osteopathic Medical Examiners at its meeting of February 12, 1994, upon application for licensure by Les L. Barrickman, D.O. Having carefully reviewed Dr. Barrickman's application and all accompanying materials including the complaint filed against Dr. Barrickman by the Iowa Board of Medical Examiners in Case No 03-92-225 on April 29, 1993; the settlement of that complaint entered into between Dr. Barrickman and the Iowa Board dated May 26, 1993; and the Order of the Iowa Board dated June 3, 1993 imposing a four year probation on Dr. Barrickman's license to practice medicine in Iowa and setting forth certain conditions of the probation; this Board finds that the conditions placed on Dr. Barrickman's license by the Iowa Board are just and reasonable and that equivalent conditions should be placed upon Dr. Barrickman's license to practice osteopathic medicine in New Mexico, and Dr. Barrickman having carefully read and considered all the conditions set forth below and fully agreeing to them,

IT IS HEREBY AGREED AND ORDERED:

2. That Les L. Barrickman's license to practice osteopathic medicine and surgery in the State of New Mexico is hereby placed on probation until March 1, 1995 under the following terms and conditions:

- A. Dr. Barrickman shall not consume alcohol.
- B. Dr. Barrickman shall not use any controlled or prescription drug in any form unless prescribed for him by another duly licensed, treating health care practitioner. Dr. Barrickman shall inform the said health care practitioner of the terms of this Stipulation and Order prior to accepting any medication.
- C. Except as provided in Paragraph D. below Dr. Barrickman shall not possess, administer, or dispense, controlled substances until further order of the Board.
- D. Dr. Barrickman is not prohibited by the Board of Osteopathic Medical Examiners from prescribing controlled drugs, however Dr. Barrickman shall maintain a record of all controlled substances prescribed. The record shall show the following:
 - 1) the name and address of the patient;
 - 2) the date the controlled substance was prescribed;
 - 3) the character and quantity of controlled substances involved; and
 - 4) the diagnosis and purpose for which the controlled substance was prescribed.

Dr. Barrickman may use triplicate prescriptions in satisfaction of this requirement. True and correct copies of all such records shall be retained and provided to the Board on demand.

- E. Dr. Barrickman shall submit to witnessed blood or urine samples on demand by an agent of the Board. The samples shall be used for alcohol and drug testing all costs of which shall be paid by Dr. Barrickman.
 - F. Dr. Barrickman shall enter the New Mexico Monitored Treatment Program of the New Mexico Medical Society no later than March 1, 1994 and shall remain and perform successfully in that program for a period of one (1) year. Dr. Barrickman authorizes and the Board requests the New Mexico Monitor Treatment Program to report to the Board on Dr. Barrickman's progress in the program on a quarterly basis or upon request of the Board.
 - G. Dr. Barrickman shall submit quarterly reports under penalty of perjury stating that there has been compliance with all the conditions of the Stipulation and Order.
 - H. Dr. Barrickman shall make appearances upon request before the Board or a committee of the Board. Dr. Barrickman shall be given reasonable notice of the date, time and place for the appearances.
 - I. Dr. Barrickman shall obey all federal, state, and local laws, and all rules governing the practice of osteopathic medicine in New Mexico.
3. In the event Dr. Barrickman leaves New Mexico to reside or to

practice outside the state, Dr. Barrickman shall notify the Board in writing of the dates of departure and return. Periods of residence or practice outside New Mexico will not apply to calculating the duration of the conditions imposed by the Stipulation and Order. Evidence that Dr. Barrickman has consumed alcohol or possessed or used drugs in violation of this Stipulation and Order while outside the state, however, shall constitute a violation of the Stipulation and Order.

4. In the event Dr. Barrickman violates or fails to comply with any of the terms or conditions of the Stipulation and Order, such violation or noncompliance shall constitute unprofessional conduct within the meaning of Section 60-10-15 of the New Mexico Statutes and the Board's rules. On the basis of any such violations or noncompliance, the Board may initiate appropriate action to revoke or suspend Dr. Barrickman's license or impose other licensee discipline as authorized in New Mexico Statutes.

5. Upon full compliance with the terms and conditions set forth in this Stipulation and upon expiration of the period of probation, Dr. Barrickman's license shall be restored to its full privileges free and clear of the terms of the probation.

NEW MEXICO BOARD OF OSTEOPATHIC MEDICAL EXAMINERS

_____,
Consuelo B. Salazar
Secretary-Treasurer

Les L. Barrickman, D.O.
Les L. Barrickman, D.O.

May 7, 1994
Date

